

REMARKS

By the above actions, claims 14 and 26 have been amended, and claims 17-19 cancelled. Additionally, a sheet of replacement drawings is submitted herewith which contains a version of Fig. 6 the reference numeral 480 has been corrected to 486. In view of the above amendments and following remarks, reconsideration and allowance of the present application are respectfully requested.

First, Applicant wishes to thank the Examiner for the indication that claims 22-24 would be allowable if rewritten in independent form. However, no action is being taken at this time to place these claims in allowable independent form since independent claims 14 and 26 as now presented are believed to patentably distinguish the invention over the applied references, as set forth in detail below.

In response to the objection to the abstract, an amended abstract is submitted herewith. As amended, the length of the abstract is within the permissible word count and impermissible terminology has been eliminated. Therefore, withdrawal of the objection to the abstract is requested.

In response to the objection to the drawings, as noted above, a replacement for the original drawing sheet 6, containing Figure 6, is submitted herewith and corrects the reference numeral error which is the basis of the Examiner's objection. Therefore, the drawing objection should now be withdrawn.

In the response to the rejection of claims 14-21, 25 and 26 based on United States Patent 5,908,236 to Lueken et al., United States Patent 5,522,769 to DeGuiseppe, and United States Patent Application 2004/0114355 to Rizkin et al., Applicant submits that these applied references, taken alone or in combination, fail to disclose, teach or suggest all of the features recited in the pending claims. For example, the applied references fail to disclose, teach or suggest an apparatus for illumination, including a control means for controlling a light changer having means for at least one of panning and tilting the light beam, at least changeable means for forming the light beam, and means for changing the color of the light beam, as recited in amended independent claims 14 and 26.

Specifically, on page 3 of the Office Action it is stated that Lueken et al. discloses a "control means (Column 4, lines 25-35) for controlling the at least one lamp and the light changer." However, Lueken et al. merely disclose a ballast and are silent with respect to the

claimed control means. Technically, it is necessary for many types of lamps to use ballast. The ballast typically includes a transformer and a capacitor. The transformer typically is used for changing the voltage to reach a higher voltage than the voltage existing on the grid. The capacitor typically is used to change the phase between the voltage and current generated by the lamp to an acceptable level, because the voltage and current are to be mostly in the same phase. Therefore, the ballast of Lueken et al. does not is unrelated to the claimed control means of independent claims 14 and 26, and merely includes the electrical components needed to operate a lamp.

In addition, Applicant submits that Lueken et al. fail anticipate or render obvious a control means for controlling a light changer for adjusting shape, color, pan *and* tilt of a light beam. For example, Lueken et al., in column 5, lines 9-15, disclose that the aiming adjustment bracket 180 is pivotally connected to the mounting ring 155 and fixed to the reflector 165, such that when pivoted, the reflector 165, the socket 170 and the lamp 175 necessarily pivot in conjunction with the aiming adjustment bracket 180, and to allow the light of the lamp 175 to be aimed at various angles, as shown by the dashed lines in Fig. 2. Thus, the aiming adjustment of Lueken et al. is a manual adjustment that can only be performed if the front lens is removed and a tool is used for the adjustment. By contrast, the invention as recited in independent claims 14 and 26 include a control means for controlling a light changer that can be used to pan and tilt the light source and the reflector, for example, via servo motors, as recited in claims 20-21.

The remaining references, DeGuisseppi, and Rizkin et al. fail to cure the noted deficiencies of Lueken et al. patent. Accordingly, independent claims 14 and 26 distinguish over the applied references, no matter how they may be viewed either alone or in combination.

Moreover, DeGuisseppi is directed to a diaphragm used for gear boxes in the automotive industry. Accordingly, the diaphragm of the DeGuisseppi patent is non-analogous art relative to the present invention being neither in the field of Applicant's endeavor (illumination apparatus) nor reasonably pertinent to the particular problem with which the inventor was concerned (preventing moisture build up in an illumination apparatus; see, paragraph [0002] on page 1 of Applicant's Substitute Specification). Applicant submits that a diaphragm used for gear boxes in the automotive industry has no relevance to its use for

preventing moisture build up in an illumination apparatus. Furthermore, no other logical reason exists for a person in the light art to apply the teachings of DeGuisseppi to a lamp, even assuming that such a person would be aware of its existence.

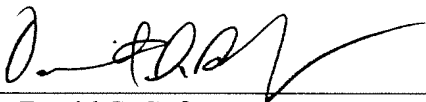
With respect to claim 15, although it is noted in the present office action that there is an opening between elements 66 and 67 in Fig. 2 of Lueken et al., such a cavity is **closed** in downward direction and thus fails to disclose, teach or suggest “at least one **opening** in the casing [that] is located in a lower part of the casing and *is directed downwards*.” Similarly, Lueken et al. fails to disclose, teach or suggest an “**opening** in the casing is located in a lower part of the casing in a vertical direction,” as required by claim 16.

With respect to claim 20, Applicant submits that Lueken et al. fails to disclose, teach or suggest any use of a data connection, control circuit or servo motors. Similarly, Applicant also submits that Lueken et al. fails to disclose, teach or suggest the features of claim 21, since Lueken et al. is silent with respect to a control circuit for controlling servo motors.

Accordingly, independent claims 14 and 26 should be found to be patentable over the applied references, whether taken alone or in combination. Furthermore, the dependent claims are allowable over the applied references, taken alone or in combination, on their own merits as set forth above and for at least the reasons advanced above with respect to independent claims 14 and 26.

In view of the foregoing, it is submitted that the present application is in condition for allowance and a notice to that effect is respectfully requested. However, if the Examiner deems that any issue remains after considering this response, the Examiner is invited to contact the undersigned attorney to expedite the prosecution and engage in a joint effort to work out a mutually satisfactory solution.

Respectfully submitted,

By: 

David S. Safran
Registration No. 27,997

Customer No. 25570
Roberts Mlotkowski Safran & Cole, P.C.
PO Box 10064
McLean, VA 22102
Direct Telephone: (703) 584-3273